

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**ELIJAH R. MUSTAIN,**

Plaintiff,

v.

**RED LOBSTER, LLC, FEDERAL  
BUREAU OF INVESTIGATION,  
EMERALD STAFFING LLC,**

Defendants.

Case No. 3:25-cv-872-YY

**ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge Youlee Yim You issued Findings and Recommendation in this case on June 27, 2025. Judge You recommended that this Court dismiss Plaintiff's complaint without prejudice.

Under the Federal Magistrates Act ("Act"), the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge's findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate's report to which no objections are filed."); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge's findings and recommendations if objection is made, "but not otherwise"). Although in the absence of objections no review is required, the Magistrates Act "does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard." *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Rule 72(b) of the Federal Rules of Civil Procedure recommend that "[w]hen no timely objection is filed," the Court review the magistrate judge's recommendations for "clear error on the face of the record."

Plaintiff timely filed an objection. Plaintiff's objection does not address Judge You's Findings and Recommendation, but states a few alleged facts relating to Plaintiff's employment, without naming any specific defendant. Plaintiff fails to provide any argument showing how his complaint adequately states a claim or how Judge You's analysis was flawed. The Court has reviewed *de novo* Judge You's Findings and Recommendation.

The Court ADOPTS Judge You's Findings and Recommendation, ECF 14. The Court DISMISSES, without prejudice but without leave to amend, Plaintiff's complaint, ECF 1.

**IT IS SO ORDERED.**

DATED this 18th day of July, 2025.

/s/ *Michael H. Simon*  
 Michael H. Simon  
 United States District Judge